REMARKS

This amendment is in response to the Office Action of July 28, 2006 in which claims 1-14 were rejected. The independent claims 1 and 13 have been amended to make it clear that the one or more instruction sets pertain to instruction sets of the computer architecture or instruction set architectures which exclude two or more "source files" as shown by the primary reference. In addition, various amendments have been made to remove reference numerals, acronyms and to overcome various objections and rejections of the Examiner. Claim 13 has been amended to remove means-plus-function language while new claim 15 is similar to claim 13 except using means-plus function language but without any dependent claim. There are now 3 independent claims instead of 2, but no further fee should be due since 3 independent claims are allowed for the basic filing fee. If there are some fees due that applicant has overlooked, the commissioner is authorized to deduct the appropriate fee from our deposit account number 23-0442.

Regarding to the objection to the drawings, applicant's representative discussed on October 19, 2006 same with the Examiner, and faxed two sheets showing a proposed way to deal with the small font problem. Figure 8 has been entered in a proper position in a sequence. Figures 2, 3, 5, 6A-6F have been amended to remove the non-essential details and only important details remain.

Regarding Fig 4, it has been reformatted to be accommodated on a single sheet in landscape mode so that the font size can be increased and better seen.

Regarding page 20, it has been cancelled as requested by the Examiner.

In regard to the title, it has been amended to remove the legal words *Method* and *System* as requested by the Examiner.

Withdrawal of the objection to the drawings and the specification is requested.

Regarding the 35 U.S.C. Section 112, second paragraph, rejection of claims 3 and 10, the word *substantially* has been cancelled. Withdrawal of the indefiniteness rejection of claims 3 and 10 is requested.

Regarding the statutory subject matter rejection of claims 1-14, appropriate amendments have been made to overcome this rejection. In claim 1, the method has been amended as being for execution on a signal processing unit such as a signal processing unit 806 of Fig. 8. Similarly, claim 12 has been amended to relate to a computer readable medium on which a computer executable program is stored for carrying out the steps of claim 1. Withdrawal of the statuary subject matter rejection is requested.

Regarding the novelty rejection of claims 1-3 and 5-14, Applicant's representative discussed same with the Examiner on October 25, 2006 and the instruction set architecture nature of the disclosed instruction sets was discussed. The Examiner agreed that an amendment along those lines might distinguish over the reference. The independent claims have been amended to make it clear that the instruction sets referred to instruction sets of the computer architecture or instruction set architectures which applicant believes can no longer be considered as in the same category as the two or more "source files," etc., shown by the primary reference of Srivastava (5,966,539).

As alluded to above, the Examiner had indicated in the Office Action that he has given the broadest reasonable interpretation to the "instruction set" language of the unamended claims i.e. such that the language in the unamended claims may just refer to multiple source code files or multiple object files.

As discussed in the interview on October 25, 2006, in the current invention, the "instruction set" has a different meaning, namely, the instruction set of the
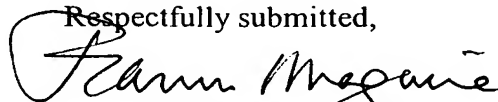
current invention refers to true "hardware architecture"- instruction related architecture sets i.e. a processor able to execute the already linked binary executable that is going to be optimized supports multiple instruction sets, the instructions of which may even be of unequal length, etc. The CFG optimization method of the current invention is then able to deal with binary executables including instruction set changes by defining corresponding code locations as block boundary points/block leader points. The invention therefore does not pertain to different source code files used to build up the file program with the claimed "instruction sets," as interpreted by the Examiner. Instead, the amended claims now pertain to "one or more computer architecture instruction sets" which term cannot anymore be considered to read on two or more "source files."

Withdrawal of the novelty rejection of claims 1-3 and 5-14 is requested.

Regarding the obviousness rejection of claim 4 as being unpatentable over Srivastava in view of Haber (US 7,036,116), claim 4 depends from claim 1 and is patentable at least for the same reasons as given above in connection with the novelty rejection. Withdrawal of the 35 U.S.C. Section 103 rejection of claim 4 is requested.

The objections and rejections of the Office Action of July 28, 2006, having obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-14 to issue is solicited.

Respectfully submitted,

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